

**REMARKS**

The Examiner is thanked for the due consideration given the application.

Acknowledgement of the allowability of claims 9-14 and 16-21 is noted with appreciation. The application has been amended to permit the allowable subject matter to mature into a patent.

Upon entry of this amendment claims 8, 10-16 and 18-21 remain pending in the application. Allowable claim 9 has been canceled and its subject matter has been incorporated into base claim 8. Allowable claim 17 has been canceled and its subject matter has been incorporated into base claim 15.

No new matter is added.

**Double Patenting**

Claims 8-14 have been objected to as being substantial duplicates of claims 15-21, if allowable. However, the former invokes 35 USC §112, 6<sup>th</sup> paragraph while the latter do, and the MPEP and case law are replete with differences in how the scope is to be interpreted.

Nonetheless, the presently amended claims are clearly different in scope for example, instant base claim 8 reciting the foam element in a compressed state while instant base claim 15 does not, and instant base claim 15 reciting the foam element in contact with the sensor element having a larger surface than that of the sensor element while base claim 8 does not.

There is thus no double patenting issue in the instant claims.

**Rejection Under 35 USC §103(a)**

Claims 8 and 15 were rejected under 35 USC §103(a) as being unpatentable over Williams et al. (USP 5,771,067 A, hereinafter referred to as "Williams") in view of Squilla et al. (USP 7,139,016 B2, hereinafter referred to as "Squilla") in view of Miki et al. (USP 6,867,380 B2, hereinafter referred to as "Miki"). This rejection is respectfully traversed.

Claims 8 and 15 have been amended to incorporate allowable subject matter from canceled claims 9 and 16 respectively, thus rendering these claims instantly allowable.

This rejection is believed to be overcome, and withdrawal thereof is respectfully requested.

**Conclusion**

The issuance of a Notice of Allowability is respectfully solicited.

Should there be any matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional

fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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